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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,447	11/28/2003	Max Stern	STN.PAT.22	1213
30733	7590	11/20/2006	EXAMINER	
Jeffrey C. Maynard 154 Barbara Road Severna Park, MD 21146			DEODHAR, OMKAR A	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/724,447	Applicant(s) STERN, MAX	
	Examiner Omkar A. Deodhar	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/27/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (U.S. Patent No. 4,700,948) in view of Odom (U.S. Patent No. 7,056,205).

Regarding claim 1, Okada discloses the following: A slot machine having rotatable reels bearing indicia which serve as a set of contest elements for a game (Okaka, Abstract); an arrangement of cards such that all types of specified

combinations for melding in a poker game can be provided (Okada, col. 5. lines 58-65); combinations of cards that are displayed at random during each game (Okada, col. 1. lines 5-13); slot machines where combinations of symbols are selected at random and prizes awarded when predetermined prize-winning combinations occur on designated prize-winning rows (Okada, col. 1. lines 5-13), note that the verbiage implies an evaluation scheme and the comparison can be interpreted as using a table of values. Okada, however, does not teach the deletion of the displayed combination of contest elements from a database.

Odom discloses a processor that depletes card deck data during game play (Odom, col. 2. lines 35-39 & col. 5. lines 58-62). One skilled in the art would recognize that deleting displayed cards from the database of cards benefits the gamer because the chance of a winning hand increases as the number of remaining cards decreases.

Therefore, it would have been obvious to one of ordinary skill in the art to include a feature to discard the displayed contest elements from the database of contest elements in Okada's device in view of Odom's disclosure to add to the overall gaming experience provided to the gamer.

5. Regarding claims 2-5, 6, and 10, Okada discloses the following: Various combinations of contest elements (Okada, Abstract & col. 2. lines 6-8 & col. 5. lines 58-65), as in claims 2 and 3; combinations of cards for five card poker hands (Okada, Abstract), where it is noted that the five rotatable reels serve as the five card poker hand, as in claim 4 and that each reel can be viewed as a separate deck from which

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each card in the poker hand is drawn, as in claim 5; and extending the device to other forms such as a video display on a CRT screen (Okada, col. 5. lines 55-58), where it is noted that a video display on a CRT can be considered an electronic video game machine, as in claim 10.

Okada, however, does not teach the following: Regenerating the combinations of contest elements and storing them in a database after all combinations have been shown to the gamer, as in claim 6.

Odom teaches the following: Reconstituting and reconfiguring the deck data at various times during game play (Odom, col. 10. lines 39-44), as in claim 6. One skilled in the art would readily recognize the benefits of regenerating the contest elements after all combinations have been displayed, or even during game play because one would not want the gamer to become bored with the seeing the same contest elements.

Therefore, it would have been obvious to one of ordinary skill in the art to have extended Okada's device in view of Odom's disclosure to include the feature of regenerating the contest elements at various points during game play to prevent the gamer from becoming bored and ending game play.

6. Regarding claims 7-9 and 11, Okada discloses the following: Permitting the player to start the game after placing a wager (Okada, col. 2. lines 51-53) and paying the player after a winning situation is determined (Okada, col. 3. lines 5-10), as in claim 8; that the device can be extended to other forms such as a video display on a CRT screen (Okada, col. 5. lines 55-58), as in claims 7 and 9-11.

With respect to claim 12, Okada discloses a display means to display the game being played, (Okada, col. 5. lines 55-58). The further limitations are discussed in detail with respect to claims 1 and 8, above.

With respect to claim 13, Okada has disclosed the claimed limitations as discussed with respect to claim 8, above.

With respect to claim 14, Okada discloses the following: A slot machine (Okada, col. 2. lines 30-32 & Figure 1), where it is noted that the slot machine serves as an enclosure that allows the player to physically interact with the system; bet value signals (Okada col. 3. lines 14-17); a means to randomly select a combination of elements (Okada, Abstract); a display to indicate the random combinations of cards to the player (Okada, Abstract); a bet value entry means (Okada, col. 3. lines 14-17); and that prizes are awarded when predetermined prize-winning combinations occur on designated prize-winning rows (Okada, col. 1. lines 5-13), note that the verbiage implies an evaluation scheme and the comparison can be interpreted as using a table of values.

Okada, however, does not teach the following, as in claim 14: A processor for determining all possible combinations of elements for the game being played; means for storing combinations in a database; said processor that evaluates the combinations for a potential win and then awards a prize to the player; said processor which then deletes the displayed combination from the database; said processor that is connected to the display and performs functions related to game play including interpreting the bet value;

Odom teaches the following, with respect to claim 14: A processor that randomly selects data representing a deck of playing cards in order to form a poker hand (Odom,

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col. 1. lines 30-41), where it is noted that this random selection involves a choice between all possible combinations; a data structure where combinations of cards are stored (Odom col. 3. lines 14-18); a processor means for evaluating a win (Odom col. 10. lines 4-32); a processor that randomly selects card combinations (Odom col. 1. lines 30-41), a processor that tracks cards in a deck and has the capability to discard card combinations for the next hand (Odom, col. 2. lines 35-39); and a processor that is connected to the display (Odom col. 3. lines 46-48). One skilled in the art would readily recognize that the teachings as disclosed above, would benefit the overall gaming experience and maintain the player's interest in the game.

Therefore, it would have been obvious to one of ordinary skill in the art to have included the above mentioned features to a slot machine design by extending Okada's device in view of Odom's teachings. Furthermore, the features discussed are very obvious to anyone familiar with slot machines and gaming in general and are needed in order to provide an enjoyable gaming experience.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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SUPERVISORY PATENT EXAMINER

TC3700